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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,637	09/19/2003	Morris G. Haney	P-7627(DIV)	5053
7590	06/01/2005		EXAMINER	BOCHNA, DAVID
Ted D. Lee Gunn, Lee & Hanor, PC Suite 1500 700 N. St. Mary's St. San Antonio, TX 78205			ART UNIT	PAPER NUMBER
			3679	
				DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/664,637	HANEY ET AL.	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 9-54 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 18-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kane et al.

In regard to claims 18, 26, 36, 43 and 50, Kane discloses a single piece pipe of a predetermine interior diameter that has lateral strength when connected to a similar adjacent pipe, the pipe comprising:

a male end of said pipe which has external threads 2;

a female end of said pipe having an enlarged exterior diameter;

a first enlarged interior diameter 3a of said pipe at said female end, said first enlarged interior diameter being larger than said predetermined interior diameter and having internal threads to mate with said external threads of said male end for said similar adjacent pipe;

a second enlarged interior diameter 5 being larger than said first enlarged interior diameter and terminating said pipe at said female end, said second enlarged interior diameter being (a) slightly larger in diameter than said male end of said similar adjacent pipe to receive said male end therethrough and (b) long enough to provide said lateral strength when connected to said similar adjacent pipe (see fig. 3);

said male end and said second enlarged interior diameter at said female end funneling said pipe and said similar adjacent pipe together;

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said pipe being disconnectable from said similar adjacent pipe and reusable. However, Kane et al. does not disclose that the pipe is made out of PVC. However, it would have been obvious to make the pipe out of PVC because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

In regard to claims 19, 27, 38, 45 the pipe of a predetermined interior diameter that has lateral strength when connected to said similar adjacent pipe as recited in Claim 19 wherein said second enlarged interior diameter 5 being of sufficient length to receive a substantial portion of used external threads from said male end of said similar adjacent pipe therein before threading (see fig. 3), said used external threads being those threads which are threaded into said internal threads of said first enlarged interior diameter.

In regard to claims 20, 28, 39 and 46 wherein said pipe is of a substantially uniform circumference 1 at the male end.

In regard to claims 21 and 29, the external threads terminate the male end of the pipe (see fig. 1).

In regard to claims 22 and 30, 40, 47 and 52, the female end is beveled (see fig. 3).

In regard to claims 23 and 31, 41, 48 and 53 wherein said first enlarged interior diameter of said female end PVC pipe 3a is formed by expanding said female end while heated and pliable (this is a product by process claim, and the process is given little patentable weight as long as the prior art anticipates the claimed structure of the present invention).

In regard to claims 24, 33, 42, 49 and 54 wherein a connection with said similar adjacent PVC pipe will withstand approximately 1000 pounds of lateral force without leaking if said PVC

pipe is a 2 inch diameter PVC pipe or proportionate amounts of lateral force for different diameter PVC pipe (because all PVC will have uniform properties, any PVC pipe with a 2 inch diameter should be able to withstand the same loads as that recited by the applicant).

In regard to claims 25, 35 and 51 wherein said external threads and said internal threads are triangularly threaded (see fig. 3).

In regard to claim 32, the external threads and the internal threads are tapered (see fig. 2)

In regard to claim 34, the external threads and the internal threads are squarely threaded (see fig. 2).

In regard to claims 37 and 44, further comprising a shoulder between the female and intermediate section (shoulder created by the expansion of the female end).

***Response to Arguments***

3. Applicant's arguments with respect to claims 18-54 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David E. Bochna  
Primary Examiner  
Art Unit 3679

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